

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

ROBBIE EMERY BURKE,
Plaintiff,

Vs.

Case 18-CV-108-Raw

MUSKOGEE COUNTY COUNCIL
OF YOUTH SERVICES
("MCCOYS"), et al,
Defendants.

VIDEO DEPOSITION OF
JOE WASHINGTON
VOLUME I

DATE: FEBRUARY 15, 2019

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PLAINTIFF'S
EXHIBIT

1 are important?

2 A Yes.

3 Q Okay.

4 MR. WOOD: Joe, let me emphasize
5 that if any time you feel like he has cut off
6 your response before you're done answering, be
7 sure and let him know.

8 THE WITNESS: All right.

9 Q (By Mr. Smolen) Were you done with
10 that?

11 A Yes.

12 Q Okay. Let's look at No. 3. Joe
13 aggressively voices frustration over policy and
14 procedures. He voiced, quote, I am tired of
15 policy and procedures not being followed. I am
16 tired of getting blamed for policy and
17 procedures not being followed.

18 Supervisors, you are responsible for seeing
19 your staff are following policy and procedures.
20 I am tired of hearing that things will go back
21 in two weeks. It is your responsibility to see
22 that it doesn't. Did I read that correctly?

23 A Yes, sir.

24 Q Okay. Do you recall this meeting?

25 A Yes, sir.

1 Q Could you tell me how a staff member
2 showing up late to the facility would impact
3 their inability to receive information through
4 the shift change?

5 A Repeat that.

6 Q Sure. Can you just -- I just want to
7 know from someone who's ran the facility for as
8 long as you have okay --

9 A Uh-huh.

10 Q -- how a staff member showing up late to
11 a shift would negatively impact their ability to
12 participate in the shift change process?

13 A Okay, repeat that again.

14 Q Let's try it this way. What is the
15 purpose of shift change?

16 A Okay. The -- the purpose is to exchange
17 information about what happened on the previous
18 shift and to pass on pertinent information.

19 Q And is that so that we can have a
20 continuity of care or alertness for the staff
21 and for the residents?

22 A Yes.

23 Q Okay. And is it fair to say that if a
24 staff member is showing up late for the shift,
25 they're missing the shift change information?

1 A Yes.

2 Q Okay. And would you agree with me that
3 if their shift starts and that shift has not
4 received pertinent information from the previous
5 shift, that that has the ability to adversely
6 affect both the residents and the staff?

7 A Yes.

8 Q No. 2. It says: Scheduling enough
9 staff to operate this facility. No
10 communication. Staff not attending the staff
11 meetings to hear issues that are being
12 addressed. All staff should be attending the
13 staff meetings, especially full-time staff.
14 They should be setting the examples for the new
15 staff. The new staff is looking at the seasoned
16 staff for their cues. Did I read that
17 correctly?

18 A Yes.

19 Q Again, we see that the issue of staff
20 not attending the mandatory meetings was being
21 discussed on October 10th of 2015, correct?

22 A Yes.

23 Q Did you and Ms. Perkins discuss the fact
24 that July of 2015, we have a note that staff are
25 not showing up for the mandatory meetings, and

1 A From the time that I observed them, they
2 always did them.

3 Q Okay. So there was never any need to
4 remind them of it?

5 A No, sir.

6 Q Okay. Do you ever recall being in a
7 position or in a meeting where staff were being
8 reminded that they needed to do 15-minute
9 checks?

10 A No, because during the staff meetings,
11 they did 15-minute checks while we were doing
12 the staff meeting.

13 Q So there was no need to remind them if
14 they were doing it? That's your testimony?

15 A Yes.

16 Q Okay. If they weren't doing 15-minute
17 checks, do you think it would be important to
18 remind them that they needed to do that?

19 A Yes.

20 Q Okay. But it's your testimony that that
21 never happened, correct?

22 A Not that I recall.

23 Q Okay. Well, let's look at 459. No. 22.
24 When kids are in lockdown, staff has plenty of
25 time to complete shift tasks. It appears that

1 staff is too busy visiting. Reminder -- and
2 this is in bold. A visual check must be
3 couldn't every 15 minutes when a resident is in
4 their room for any reason. If your staff were
5 already aware of that, why are you having to
6 remind them during the staff meetings?

7 A Like I said, I -- I didn't do this so I
8 don't know why that's in bold.

9 Q That wasn't my question, though. Why --
10 if your staff were doing 15-minute checks and
11 they knew that they were doing it, and you just
12 testified you never had to remind them, why does
13 this note indicate that they were being
14 reminded?

15 A Well, I never had to remind them.

16 Q I asked you if you ever recall them
17 being reminded in meetings and you said no. You
18 said that they never had to be reminded because
19 they always did it and they knew to do it?

20 A Yes, sir.

21 Q This note reflects something different
22 than that, correct?

23 A Well, that note is written in there, I
24 -- I don't -- Patty had written this so I don't
25 know why she had written that in there.

1 Q Do you think she's lying?

2 A No, I don't think she's lying.

3 Q Okay. You don't have a specific memory
4 of the meeting, do you?

5 A No, sir.

6 Q Okay. So you'd agree with me that it's
7 more accurate to rely on the notes, correct?

8 A Yes.

9 Q No. 24 on that same page. It is vital
10 that all paperwork is completed and pertinent
11 information is being passed on to other shifts.
12 Don't get mad if you have a note waiting on you
13 when you fail to complete a job task. Again,
14 staff failing to complete the paperwork for
15 shift change, correct?

16 MR. ARTUS: Object to the form.

17 MS. FOUTCH: Object to the form.

18 MR. ARTUS: What page are you on?

19 MR. SMOLEN: 459.

20 Q (By Mr. Smolen) Yes?

21 A Repeat your question.

22 Q No. 24. It is vital that all paperwork
23 is completed and pertinent information is being
24 passed on to other shifts. Don't not get mad if
25 you have a note waiting on you when you fail to

1 Q But this is talking about at all times,
2 which would include the evening shift as well,
3 correct?

4 A Right.

5 Q So who was that person that had been
6 designated in 2015 or 2016 on the evening shift?

7 A The shift supervisor.

8 Q Okay. And this particular shift which
9 Billy Woods died, it would have been Jerrod
10 Lang?

11 A Yes.

12 Q And that was the case despite him of
13 having only four months experience at the
14 facility, correct?

15 A Four months? I think he was there
16 longer than that.

17 Q I think he began in February of 2016 and
18 he became a supervisor in April of 2016. Does
19 that seem to be accurate with your memory?

20 A Okay, in April and Billy died in
21 December.

22 Q Right. And from the time in which Mr.
23 Lang became a shift supervisor, he had been
24 there just two months, correct?

25 A You said February?

1 Q February and March --

2 A Yes.

3 Q -- and then in April, okay? And so he
4 had only been there a couple of months. But
5 despite him being there only a couple months,
6 he, in essence, became the juvenile detention
7 center superintendent when you were not present
8 and Ms. Reece wasn't present, correct?

9 A Yes.

10 Q Okay. And both you and Ms. Reece would
11 generally work an administrative schedule from
12 8:00 to 5:00 daily, correct?

13 A 7:00 to 3:00, yes.

14 Q 7:00 00 to 3:00, okay. And so evening
15 shift started at 3:00, correct?

16 A Yes.

17 Q Okay. And on that evening shift, the
18 shift supervisor for the evening shift would
19 serve in that capacity, correct? That's
20 correct?

21 A Yes.

22 (Plaintiff's Exhibit No. 33
23 marked for identification)

24 Q I'm going to hand what we've marked as
25 Exhibit 33. Take a look at what's been Bates

1 was aware that Mr. Lang was promoted to a
2 supervisory position within just a few short
3 months after being employed at MCCOYS?

4 A Yes.

5 Q And that she went ahead and authorized
6 that despite it being a policy violation?

7 A Yes.

8 Q Did she ever raise any concerns to you
9 when she approved that promotion of Jerrod Lang
10 into the supervisory position despite it being
11 in direct violation of MCCOYS' policy?

12 A No, sir.

13 Q I want to talk to you about performance
14 evaluations, okay? How are performance
15 evaluations conducted at MCCOYS in 2015 and
16 2016?

17 A Normally, we would get 30, 60, and 90
18 days. 30, 90, and six months, and annually.

19 Q 30, 90, six month, and then an annual?

20 A Yes.

21 Q So four per year?

22 A First year, yes.

23 Q For the first year?

24 A Yes.

25 Q And then once a year after that?

1 A Yes.

2 Q Okay. And how were those evaluations
3 completed?

4 A The supervisors were supposed to
5 complete those.

6 Q And that was completed on a form?

7 A Yes.

8 Q And what was the purpose of completing a
9 30, 90, six month, and one-year evaluation?

10 A The purpose to see how they were doing.

11 Q Okay. In part, to determine their
12 proficiencies, correct?

13 A Yes.

14 Q Okay. It indicates that the evaluation
15 was intended as a means of measuring and
16 enhancing employee performance, fostering and
17 professional development and career growth,
18 determining merit increasing, and meeting the
19 internal and external demands for documentation
20 of individual performance, correct?

21 A Yes.

22 Q It goes on to state that the program
23 supervisor shall evaluate the employee by an --
24 by anniversary or original date of hire. The
25 performance management evaluation will be based

1 correct?

2 A Yes.

3 Q Is it your testimony to the jury that
4 this practice was happening at MCCOYS in 2015
5 and 2016?

6 A No, sir.

7 Q Okay. Why was it not happening,
8 Mr. Washington?

9 A Well, one reason is normally we would
10 get something from human resources letting us
11 know whenever an evaluation date was coming up
12 and then that stopped happening.

13 Q Okay. But -- but we still had a written
14 policy on it, right?

15 A Yes.

16 Q You were still aware that it was
17 supposed to happen at 30, 60, 90, and an annual
18 -- annual evaluation as well?

19 A Yes.

20 Q But that wasn't happening, correct?

21 A No, sir.

22 Q Other than the fact that HR was
23 supposedly giving you guys some dates on when
24 these would be conducted, do you have any other
25 explanation for why these evaluations were not

1 taking place?

2 A No, sir.

3 Q Okay. Do you believe that if the
4 evaluations were happening, that MCCOYS and you,
5 in particular, would have had a better
6 understanding as to your employee's
7 proficiencies with respect to the policies,
8 procedures, and the training materials?

9 A Yes.

10 Q Mr. Lang should have also received an
11 evaluation at the time that he was promoted into
12 a supervisor's position, correct?

13 A Yes.

14 Q Did that happen?

15 A No, sir.

16 Q Okay. Whose decision was it not no
17 conduct that performance evaluation?

18 A That was mine.

19 Q Anything prevent you from conducting the
20 performance evaluation?

21 A Well, the only excuse I have is that,
22 you know, we were in a new building and there
23 were things that were going on with the new
24 building that needed to be corrected and those
25 weren't happening with the people that I

1 contacted to help me with those things and --

2 Q Let's talk about that, Joe.

3 MR. WOOD: Hold on.

4 MR. SMOLEN: Oh, I thought he was
5 finished. Randall, I'm sorry.

6 MR. WOOD: Were you done with your
7 answer?

8 THE WITNESS: Yeah.

9 Q (By Mr. Smolen) Joe, let's talk about
10 the problems you were having with the new
11 building. Can you tell me what those were?

12 A Leaking windows, leaking walls, problems
13 with the stove, problems with the -- the sewers
14 in the restrooms.

15 Q Can you recall any others?

16 A Let's see. Oh, and when they did the
17 keying to the locks, they were supposed to call
18 me and have me let them know how I wanted the
19 locks keyed and they didn't do that, so we had
20 to get somebody to come out and rekey all the
21 locks, changed some of the locks on some of the
22 doors, get intercoms installed where they
23 weren't installed, tried to get them to do some
24 work in the classroom as far as providing
25 petitions to separate the residents. I think

1 A No, sir.

2 Q What intercoms were not installed?

3 A There was no intercoms on the wings.

4 There was no intercoms in the multipurpose room.

5 There was no intercom in the classroom.

6 Q Okay.

7 A So we had no communication with, you
8 know, anybody in the classroom. We couldn't
9 hear what was being -- or any conversations on
10 the wings, and then we didn't have any way to
11 communicate with staff who were out in the
12 multi-purpose room.

13 Q Okay. And it was these issues that it's
14 your testimony prevented you from doing the
15 employee evaluations at 30, 60, 90, and one
16 year?

17 A Yes.

18 Q Okay. Did you think these issues were
19 more important than the employee evaluations?

20 A No.

21 Q Why did you choose then to not do the an
22 annual -- or the performance evaluations?

23 A Well, one reason is that, you know,
24 staff were always wanting to leave or talking
25 about leaving. I thought maybe they might leave

1 the form.

2 Q Or his signature, correct?

3 A Or signature.

4 Q And what's the importance of having his
5 signature on this form?

6 A To indicate that he understands what
7 he's completed here.

8 Q And that these are his accurate answers,
9 correct?

10 A Yes.

11 Q Did you ever ask any staff at MCCOYS why
12 the suicide risk assessment was not properly
13 completed?

14 A No.

15 Q Is that something that you could have
16 asked?

17 A Yes.

18 Q Several of your staff have indicated
19 that a suicide risk assessment sheet that was
20 completed like this, irrespective of whether or
21 not there was a signature on the form, should
22 have triggered a suicide watch. Do you agree or
23 disagree --

24 MR. LEBLANC: Object to the form.

25 Q (By Mr. Smolen) -- with that?

1 MR. LEBLANC: Object to the form.

2 THE WITNESS: I agree.

3 Q (By Mr. Smolen) You agree?

4 A Yes.

5 Q Did you ever talk to your staff after
6 the fact why we had a suicide risk assessment
7 that should have triggered a watch but that was
8 not completed?

9 MR. LEBLANC: Object to the form.

10 THE WITNESS: No, I didn't.

11 Q (By Mr. Smolen) Is that something that
12 you could have inquired about?

13 A Yes, sir.

14 Q Did Ms. Perkins ever inquire about that?

15 A No, sir.

16 Q Did Ms. Perkins and you ever discuss
17 that you felt like Billy Woods' suicide risk
18 assessment should have triggered a suicide
19 watch?

20 A Yes.

21 Q What did Ms. Perkins -- what did she
22 say?

23 A She felt like it should have been -- he
24 should have placed on suicide watch.

25 Q Based on what was identified in the

1 you?

2 A Because it -- just what happened with
3 this young man.

4 Q Because he could be in there devising a
5 plan to hurt himself, correct?

6 A Yes.

7 MR. LEBLANC: Object to the form.

8 Q (By Mr. Smolen) Would you agree with me
9 that children who withdraw from the program want
10 to seek out isolation are individuals that
11 should be identified as a moderate risk for
12 suicidal ideation?

13 MS. ZAMARRIPA: Object to the form.

14 MR. LEBLANC: Object to the form.

15 MR. ARTUS: Object to the form.

16 MR. WOOD: Object to the form.

17 THE WITNESS: Yes.

18 Q (By Mr. Smolen) Would agree with me or
19 are you aware that the majority of suicides that
20 occur in the juvenile detention facility occur
21 with children who are in room confinement or
22 placed in a locked room?

23 A Yes.

24 MR. LEBLANC: Same objection.

25 Q (By Mr. Smolen) Mr. Woods wasn't just

1 housed in a room with a locked door, but he was
2 housed in a room with an ADA compliant toilet
3 bar, correct?

4 A Yes.

5 Q Did it concern you that you had a child
6 who had presented and during the suicide risk
7 assessment provided information that you felt
8 like should have triggered a suicide watch, but
9 yet he was housed in a room that had a bar that
10 was capable of being used to hang himself?

11 MR. LEBLANC: Object to the form.

12 THE WITNESS: If I had known this
13 before he was placed in that room, then yes.

14 Q (By Mr. Smolen) He wouldn't have been
15 placed in that room?

16 A No, sir.

17 Q Would you agree with me that by placing
18 him in that room created a heightened risk?

19 MR. LEBLANC: Object to the form.

20 THE WITNESS: Yes.

21 Q (By Mr. Smolen) Did you ever talk with
22 Ms. Perkins about your concern that placing
23 Billy Woods, who had expressed suicidal
24 ideation, that placing him in this room was a
25 concern for you after the fact?

1 allowed me to do that, but Patty is the one that
2 actually entered JOLTS, the resident's
3 information, or looking up any -- any
4 information that we didn't have.

5 Q Okay. So Patty was the one who
6 primarily worked on JOLTS?

7 A Yes.

8 Q You'd agree with me that we've
9 identified a number of policy violations that
10 occurred with respect to the care of Billy Woods
11 while he was at MCCOYS, correct?

12 A Yes.

13 Q Do you take any responsibility for those
14 policy violations?

15 A Regarding his care?

16 Q Yes, sir.

17 A No, sir.

18 Q Who do you believe is responsible for
19 those policy violations?

20 A The staff that was on duty that evening.

21 Q Okay. And do you believe MCCOYS should
22 be held accountable for the staff's failures?

23 MR. WOOD: Object to the form.

24 THE WITNESS: No, sir.

25 Q (By Mr. Smolen) Do you believe if

1 policies had been followed, that Billy Woods
2 would still be alive?

3 A Yes.

4 MR. LEBLANC: Object to the form.

5 Q (By Mr. Smolen) Do you recall having
6 meetings with your staff prior to them sitting
7 for interviews with OSBI?

8 A Meetings with them?

9 Q Yes, sir.

10 A Only that they were scheduled for
11 interviews.

12 Q Okay. And that was the extent of the
13 conversations that you had with them?

14 A Yes.

15 Q Take a look at Exhibit 2, and I'm going
16 to go to Page 82 of that exhibit.

17 MR. ARTUS: What exhibit? I'm
18 sorry.

19 MR. SMOLEN: It's Exhibit 2 and the
20 Bates stamp is 82.

21 Q (By Mr. Smolen) Mr. Washington, you've
22 had an opportunity since Billy Woods' death to
23 review the actions and inactions of the staff
24 that were employed at MCCOYS, correct?

25 A Yes.

1 their rooms?

2 A Any doubt?

3 Q Yeah, do you have any doubt that they
4 were trained to do that?

5 MR. SMOLEN: Object to the form.

6 THE WITNESS: Yes, they were
7 trained.

8 Q (By Mr. Artus) Okay. So is it -- would
9 it be against MCCOYS policies not to do
10 15-minute checks of the juveniles if they're in
11 their room? Would that be against policy?

12 A Repeat that.

13 Q Is it against policy to fail to do or
14 not do 15-minute checks?

15 A Yes, sir.

16 Q So you agree with that?

17 A Yes, sir.

18 Q Is it against policy to falsify
19 15-minute checks on the logs?

20 A Yes, sir.

21 Q Is it against policy to sign someone
22 else's initials to the 15-minute check
23 paperwork, especially if you didn't see them do
24 the 15-minute check?

25 A Yes, sir.

1 Q And you were familiar with this
2 orientation policy, correct?

3 A Yes, sir.

4 Q On the first page, it states: You will
5 be expected to complete a minimum of 40 hours
6 training at the facility before you are assigned
7 a regular schedule, correct?

8 A Yes, sir.

9 Q You were aware of that policy prior to
10 Billy Woods' death, correct?

11 A Yes, sir.

12 Q It says: Then you will be placed with
13 an experienced staff member for another 40
14 hours, correct?

15 A Yes, sir.

16 Q And you were aware of that policy prior
17 to Billy's death, correct?

18 A Yes, sir.

19 Q It says you -- if you are comfortable
20 with the program at this time, you will be
21 placed on the permanent schedule, correct?

22 A Yes, sir.

23 Q And you were -- you understood that that
24 was the policy at MCCOYS prior to Billy's death,
25 correct?

1 through so...

2 MR. SMOLEN: Okay.

3 MR. LEBLANC: I'm just making a
4 record.

5 MR. SMOLEN: Okay.

6 Q (By Mr. Smolen) Sir, I don't recall
7 covering this specifically with you, but
8 Mr. LeBlanc must have a better memory or a
9 different memory than me. But if you would,
10 look at 538, please.

11 A Yes.

12 Q How many hours of orientation training
13 did Brandon Miller have?

14 A Well, like I stated, I -- I didn't keep
15 track of this.

16 Q Well, according to the form, how many
17 hours of orientation training did --

18 A Oh, 16.

19 Q -- Mr. Miller have? 16 hours?

20 MR. SMITH: You can finish your
21 answer if you haven't.

22 Q (By Mr. Smolen) 16 hours, correct?

23 A Yes.

24 Q And let's look at Exhibit 38. That's
25 the personnel file of Jackie Winkle, correct?

1 A Yes, sir.

2 Q Look at 577, if you would, please. Are
3 you there?

4 A Yes, sir.

5 Q Can you tell the jury how many hours of
6 orientation training Jackie Winkle had?

7 A 16 hours.

8 Q Now let's look at Mr. Lang's personnel
9 file, which is Exhibit 38. Are you there? I'm
10 sorry, 39. Do you have that in front of you?

11 A Yes.

12 Q How many hours of orientation training
13 did Jerrod Lang have?

14 A 16.

15 Q You were also asked about Angela
16 Miller's personnel file, which is Exhibit 36.
17 Take a minute to look at that. How many hours
18 does Angela Miller's file show that she had with
19 respect to orientation training? If -- if I
20 told you that she didn't have any documentation
21 in her personnel file to establish that she had
22 had any orientation training, would you take my
23 word for it?

24 MR. SMITH: Object to the form.

25 THE WITNESS: Yes.

1 even be put on shift, that an additional 40
2 hours was required for observation immediately
3 following the first 40 hours, correct?

4 A Yes, sir.

5 MR. SMITH: Object to the form.

6 Q (By Mr. Smolen) Okay. You were aware
7 that all of the staff working at MCCOYS prior to
8 Billy Woods' death lacked the required training
9 needed prior to being scheduled to work shifts
10 that involved juveniles that were being housed
11 in the facility, correct?

12 MR. ARTUS: Object to the form.

13 MR. SMITH: Object to the form.

14 THE WITNESS: Yes, sir.

15 Q (By Mr. Smolen) Okay. Can you tell the
16 jury why you allowed your detention staff to be
17 assigned shifts prior to receiving the requisite
18 40 hours training -- orientation training?

19 A Well, we had staff that was leaving.
20 And as policy states, we need so many staff per
21 residents to care for the residents.

22 Q Okay. But the policy also said that --
23 that it was an absolute requirement that they
24 have 40 hours of orientation training prior to
25 being scheduled to work, correct?

1 MR. SMITH: Object to the form,
2 vague.

3 Q (By Mr. Smolen) If you need to refresh
4 your memory, it's back at Defendant's Exhibit 2,
5 the one Mr. Artus asked you about. See the
6 first -- the bottom paragraph on Page 1, MCCOYS
7 371?

8 A Yes.

9 Q It says: You will be expected to
10 complete a minimum of 40 hours training at the
11 facility before you are assigned a regular
12 schedule, correct?

13 A Yes.

14 Q I asked you about that. You
15 acknowledged that you knew that was the policy
16 at the time prior to Billy Woods' death,
17 correct?

18 MR. SMITH: Object to the form.

19 THE WITNESS: Yes.

20 Q (By Mr. Smolen) But that policy was
21 violated with respect to every single detention
22 worker on staff that night that Billy died,
23 correct?

24 MR. ARTUS: Object to the form.

25 MR. SMITH: Same.

1 THE WITNESS: Yes.

2 Q (By Mr. Smolen) Okay. We also know
3 from MCCOYS orientation training information
4 that the -- two -- at least two of the topics
5 that would be covered in that first 40 hours of
6 orientation training -- training included
7 training over the employee handbook and training
8 over the policy and procedure manual, correct?

9 A Yes.

10 Q Nothing in the orientation training
11 manual indicates that staff would be required to
12 take home the employee handbook or the policy
13 and procedure manual and read it at home, does
14 it?

15 MR. SMITH: Object to the form.

16 THE WITNESS: Repeat that question.

17 Q (By Mr. Smolen) Nothing in the
18 orientation material states that staff would be
19 required to take home the employee handbook and
20 the policy and procedure manual and read them at
21 home, does it?

22 MR. SMITH: Same.

23 THE WITNESS: No, it doesn't state
24 that.

25 Q (By Mr. Smolen) It specifically states

1 that it would be trained upon during the first
2 40 hours of orientation training at the
3 facility, correct?

4 A Yes.

5 Q But that never happened, did it?

6 MR. SMITH: Object to the form.

7 THE WITNESS: No, sir.

8 Q (By Mr. Smolen) No. 3: First Aid & CPR
9 Training. It says: If you have not been
10 previously trained -- I'm at 372, sir. Are you
11 there?

12 A Yes.

13 Q If you have not been previously trained
14 in first aid and CPR, a time will be scheduled
15 for you to complete this training, correct?

16 A Yes.

17 Q It also indicates that aggressive
18 behavior management training was part of that
19 first 40 hours, correct? I'm at 372, No. 4.

20 A Yes.

21 Q Okay. Now let's look at Mr. Lang's
22 employment file. It's Exhibit 39. Are you
23 there?

24 A Yes.

25 Q Despite Mr. Lang being hired in February

1 orientation checklist, that's where they get
2 that.

3 Q (By Mr. Smolen) Right. Where -- where
4 the form is marked that the orientation process
5 happened and there's a check box that says it
6 has, correct?

7 A Yes.

8 Q And we see those -- we see those check
9 boxes on Detention Worker Miller -- Angie
10 Miller. We see those check boxes on Detention
11 -- excuse me -- not on Angie Miller. But we see
12 those check boxes on Brandon Miller, correct?

13 A Yes, sir.

14 Q We see it on Jerrod Lang, correct?

15 A Yes.

16 Q And we see it on Ms. Winkle, correct?

17 A Yes.

18 Q But we know now that that orientation
19 was not happening pursuant to the procedure,
20 correct?

21 A Yes.

22 Q But despite that, the personnel files
23 have been put together in a way that leads OJA
24 --

25 MR. ARTUS: Hold on.

1 Q (By Mr. Smolen) -- to believe that they

2 --

3 MR. ARTUS: Object to the form. I
4 can even check right now before you can get it
5 out all.

6 Q (By Mr. Smolen) You would agree with me
7 that the personnel files have been put together
8 in a way that leads OJA to believe that the
9 orientation has actually happened, correct?

10 MR. ARTUS: Object to the form.

11 MR. SMITH: Same.

12 THE WITNESS: Yes.

13 Q (By Mr. Smolen) Did you ever tell OJA,
14 Hey, wait a second. Guys, I know that the
15 personnel files show that the orientation has
16 happened but it, in fact, has not?

17 MR. SMITH: Object to the form.

18 THE WITNESS: No, sir.

19 MR. SMITH: Vague on the orientation
20 process.

21 Q (By Mr. Smolen) I'm talking about -- if
22 I'm being vague, I'm talking about the
23 orientation training procedures that were
24 produced by the defendants in this case?

25 MR. SMITH: Same objection.

1 Q (By Mr. Smolen) The personnel files
2 showed that the orientation training was
3 happening pursuant to the procedure, yes?

4 A Yes.

5 Q But they were not happening in
6 accordance with the procedure. We've already
7 established that, correct?

8 A Yes.

9 Q Did you ever clarify to OJA that the
10 orientation was not actually happening pursuant
11 to the written procedure?

12 MR. ARTUS: I'm going to make a
13 running objection to this because this document
14 you're showing -- this document 385. And what's
15 checked is orientation to policy and procedures
16 assigned duties. It says nothing about
17 orientation policy or orientation this folder.
18 It just says that the orientation policies and
19 procedures, and it says -- checked yes.

20 MR. SMITH: I'll object, too, that
21 this date on the document is 2/16 of '12.

22 Q (By Mr. Smolen) Sir, my question was:
23 Did you ever go in and tell OJA that the staff
24 were not receiving the required 40 hours of
25 orientation training prior to them being

1 scheduled to work shifts at the facility?

2 MR. ARTUS: Required by what?

3 Q (By Mr. Smolen) Your orientation
4 training procedure?

5 MR. ARTUS: Not the Oklahoma
6 Administrative Code?

7 MR. SMOLEN: I'm talking about the
8 Oklahoma -- I'm talking about MCCOYS orientation
9 procedure, the one that you covered and the one
10 that we've just got done --

11 MR. ARTUS: We're not talking about
12 the Oklahoma Administrative Code?

13 MR. SMOLEN: We're talking about the
14 orientation training.

15 MR. ARTUS: Okay.

16 THE WITNESS: No.

17 Q (By Mr. Smolen) Did you ever tell them
18 that?

19 A No.

20 Q Why not?

21 A Because I didn't know that -- that was
22 what they were asking for on this. I had never
23 seen this before.

24 Q Did you ever tell anybody that the
25 orientation training was not happening in

1 accordance with the policies and procedures at
2 MCCOYS?

3 A No, I didn't.

4 Q Let's look at 374 in the same exhibit.
5 Are you there?

6 A Yes.

7 Q You're listed as the facility
8 administrator, correct?

9 A Yes.

10 Q Okay. And under Security and Control,
11 it says: The administration recognizes the
12 difference between room restriction and
13 confinement, correct?

14 MR. ARTUS: Where are we?

15 MR. SMOLEN: 374 under Security and
16 Control.

17 THE WITNESS: Oh, okay.

18 MR. ARTUS: Again, I'm going to have
19 a running objection to this whole line of
20 questioning because you're test -- you're --
21 you're asking him about an internal document
22 prepared by the juvenile detention center which
23 he's never seen before, and then you're asking
24 him how the OJA interpreted this in finding
25 this, which I think is completely unfair and

1 MR. SMOLEN: Oh, not in -- no, no, I
2 was talking about --

3 MR. COLDIRON: He's recrossing mine.

4 MR. SMOLEN: Yeah.

5 MR. SMITH: I gotcha.

6 MR. SMOLEN: And the personnel file,
7 I'm going to get to right after this, which I
8 expect will be really short, okay?

9 (Audio playing)

10 Q (By Mr. Smolen) Do you remember telling
11 the police when they asked you who had found
12 Billy Woods' body, that you told them that you
13 didn't know?

14 A That I just got there, yeah, I saw that.

15 Q Okay. But you knew at the time the
16 police asked you who found Billy Woods' body,
17 you knew it was Jerrod Lang, correct?

18 A Yes.

19 Q Why did you tell the police you didn't
20 know?

21 A I don't know.

22 Q You'd agree with me it's important to be
23 honest with law enforcement when they're
24 investigating the death --

25 A Yes.

1 Q -- of one of the juveniles at the
2 facility, correct?

3 A Yes.

4 Q But you weren't honest with them, were
5 you?

6 MR. ARTUS: Object to the form.

7 MR. SMITH: Same.

8 THE WITNESS: I don't -- I don't
9 guess I was.

10 Q (By Mr. Smolen) If you weren't honest
11 to the police officer conducting an
12 investigation into the death of Billy Woods, why
13 should the jury believe any of your testimony?

14 MR. LEBLANC: Form.

15 MR. SMITH: Object to the form,
16 vague.

17 THE WITNESS: Because I'm telling
18 the truth.

19 Q (By Mr. Smolen) Okay. But you weren't
20 telling the truth to the officer, correct?

21 A No, I wasn't.

22 Q So why would the jury -- why -- I want
23 you to tell the jury why they should believe you
24 now?

25 MR. LEBLANC: Same objection, asked

1 counseling then. So -- but back in '13, I don't
2 remember.

3 Q Maybe they weren't doing the weekly
4 meetings then?

5 A Well, back in 2013 -- yeah, they were
6 doing it because they had somebody from a -- a
7 counselor from MCCOY'S that would come over and
8 -- and provide that service.

9 Q I think we identified close to five --
10 it was four or five attempted suicides prior to
11 Billy Woods' suicide. Do you recall discussing
12 those with me?

13 MR. SMITH: Object to the form.

14 MR. ARTUS: Object to the form.

15 THE WITNESS: With you?

16 Q (By Mr. Smolen) Yes, the first time we
17 spoke?

18 A Uh-huh, yes.

19 Q And you had indicated that your
20 knowledge of those four or five events, that the
21 suicide attempts happened during room
22 confinement, correct?

23 MR. LEBLANC: Form.

24 THE WITNESS: Not necessarily. Well
25 --

1 Q (By Mr. Smolen) Can you -- let me ask
2 you this. Can you identify any of those four or
3 five prior suicide attempts that occurred
4 outside of a room confinement situation?

5 MR. LEBLANC: Form.

6 MR. SMITH: Object to the form.

7 THE WITNESS: Well, okay. Now are
8 you -- like, you know, at lockdown, they would
9 go into their room. So are you considering that
10 like a room confinement?

11 Q Yes, anytime that they were --

12 A Okay, yes.

13 Q -- confined to their room? It was my
14 understanding that that's when the previous
15 suicide attempts had happened based on your
16 knowledge of those events?

17 MR. SMITH: Object to the form.

18 Q (By Mr. Smolen) Is that correct?

19 A Yes.

20 MR. SMITH: Vague, confusing.

21 Q (By Mr. Smolen) You understood that
22 there was a risk of children while they were
23 confined to their rooms attempting to commit
24 suicide, correct?

25 MR. LEBLANC: Form.

1 THE WITNESS: Yes, sir, that's why
2 they did 15-minute room checks.

3 Q (By Mr. Smolen) That's why the policy
4 required them to do it?

5 A Yes, sir.

6 MR. SMITH: Object to the form,
7 vague.

8 Q (By Mr. Smolen) And, again, we've
9 discussed this but if the policies are not being
10 followed, it heightens the risk for children in
11 their rooms to commit suicide if those checks
12 are not being done, correct?

13 A Yes.

14 MR. LEBLANC: Form, repetitious.
15 You're right, Andy. It has been discussed about
16 half a dozen times.

17 MR. SMOLEN: Because Mr. LeBlanc is
18 so agitated this Friday evening, I'm going to
19 end my line of questioning.

20 MR. ARTUS: May I ask a few
21 questions?

22 MR. LEBLANC: I have no questions.

23 MR. ARTUS: I have a few.

24 MR. LEBLANC: You can ask as many as
25 you wish.